

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	08-00087-03-CR-W-SOW
CORTEZ TRAYLOR,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on November 26, 2008. Defendant Traylor appeared in person and with appointed counsel Robert Martin. The United States of America appeared by Assistant United States Attorney Joseph Marquez.

***I. BACKGROUND***

On April 10, 2008, an indictment was returned charging Defendant with one count of conspiracy to distribute ecstasy, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 846.

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Mr. Marquez announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is United States Postal Inspector Paul Mezzanotte.

Mr. Martin announced that he will be the trial counsel for Defendant Traylor.

***III. OUTSTANDING MOTIONS***

There are no pending motions in this case.

***IV. TRIAL WITNESSES***

Mr. Marquez announced that the government intends to call eleven witnesses without stipulations or nine witnesses with stipulations during the trial.

Mr. Martin announced that Defendant Traylor intends to call two witnesses during the trial. Defendant may testify.

***V. TRIAL EXHIBITS***

Mr. Marquez announced that the government will offer approximately twenty exhibits in evidence during the trial.

Mr. Martin announced that Defendant Traylor will not offer any exhibits in evidence during the trial.

***VI. DEFENSES***

Mr. Martin announced that Defendant Traylor will rely on the defense of general denial.

***VII. POSSIBLE DISPOSITION***

Mr. Martin stated this case may be for trial.

***VIII. STIPULATIONS***

Stipulations are likely as to chain of custody and the chemist's reports.

***IX. TRIAL TIME***

Counsel were in agreement that this case will take two to three days to try.

***X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS***

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed November 20, 2008, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by Wednesday, November 26, 2008;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, December 3, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions<sup>1</sup> by or before noon, Wednesday, December 3, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

***XI. UNUSUAL QUESTIONS OF LAW***

No motions in limine are anticipated. The issue of the hearsay exception of statement against interest may arise.

***XII. TRIAL SETTING***

All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on December 8, 2008.

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<sup>1</sup>Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which is prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by Friday, September 26, 2008. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
November 26, 2008

cc: The Honorable Scott O. Wright  
Mr. Joseph Marquez  
Mr. Robert Martin  
Mr. Jeff Burkholder